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 YOSEMITE INSURANCE COMPANY

Attorneys for Plaintiff,
 SEATON INSURANCE COMPANY, formerly
 known as Unigard Mutual Insurance Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SEATON INSURANCE COMPANY,
 Formerly known as Unigard Mutual Insurance
 Company,

Plaintiff,

vs.

YOSEMITE INSURANCE COMPANY, and
 DOES 1 through 50, inclusive,

Defendants.

Case No. 3:11-CV-00422-RS

**JOINT STIPULATION AND [PROPOSED
 ORDER] TO EXTEND TIME FOR
 DEFENDANT TO FILE A REPLY TO
 PLAINTIFF'S OPPOSITION TO
 MOTION TO DISMISS FOR IMPROPER
 VENUE OR IN THE ALTERNATIVE TO
 TRANSFER VENUE**

Courtroom No. 3, 17th Floor
 The Honorable Judge Richard Seeborg

Complaint Filed: December 29, 2010
 Trial Date: None Set

STIPULATION

IT IS HEREBY STIPULATED by and between plaintiff SEATON INSURANCE COMPANY ("Plaintiff") on the one hand and defendant YOSEMITE INSURANCE COMPANY ("Defendant") (collectively, "the Parties") on the other, by and through their respective counsel, as follows:

WHEREAS, Plaintiff filed its Complaint in this matter in state court on or about December 29, 2010. Defendant removed the case to this Court on January 28, 2011 and filed a Motion to Dismiss for Improper Venue or in the Alternative Transfer Venue on February 4, 2011. Defendant initially noticed the hearing on the motion for April 7, 2011.

WHEREAS, Plaintiff filed an Amended Complaint on February 24, 2011. Defendant filed its Motion to Dismiss Amended Complaint for Improper Venue or in the Alternative Transfer Venue ("Motion to Dismiss") on March 10, 2011 and, as a result of scheduling conflicts of counsel for both parties, noticed Defendant's Motion to Dismiss for hearing on May 12, 2011, at 1:30 p.m.;

WHEREAS, Defendant filed its Opposition to the Motion to Dismiss on April 21, 2011. The Opposition contains information and documents not disclosed in Plaintiff's Amended Complaint, and, as a result of the inclusion of such new information, Defendant requires additional time to prepare its Reply;

ACCORDINGLY, the Parties agree and stipulate as follows:

Defendant respectfully requests that the Court grant it a seven day extension, from April 28, 2011 to May 5, 2011, to file a Reply to Plaintiff's Opposition. If Defendant determines that such a Reply is necessary, the Reply will still be filed a week before the hearing, which is scheduled for May 12, 2011. Plaintiff assents to this request. The Parties do not believe that this extension will affect the schedule for the case and no party will be prejudiced by the extension.

1
2
3 Dated: April 27, 2011

Respectfully submitted,

4 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, P.C.

5
6 /s/ Robert S. Eaton

7 By: ROBERT STURTEVANT EATON

8 Attorneys for Defendant,
YOSEMITE INSURANCE COMPANY

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13 Boston, MA 02111

14 Telephone: (617) 542-6000

15 Dated: April 27, 2011

Respectfully submitted,

16 BUDD LARNER, P.C.

17 /s/ Mark D. Hoerrner

18 By: MARK D. HOERRNER (admitted *pro hac vice*)

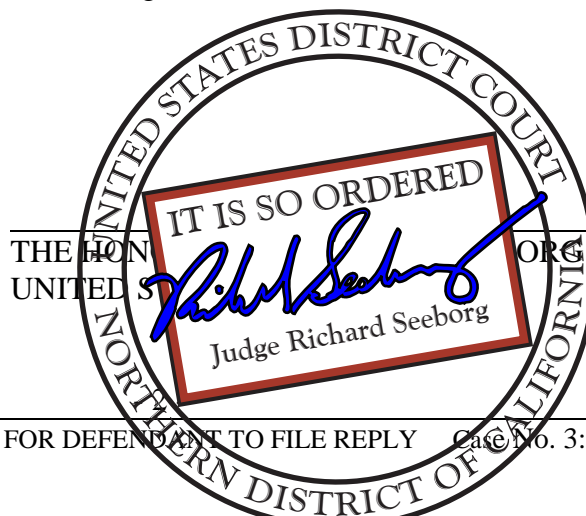
19 Attorneys for Defendant,
SEATON INSURANCE COMPANY

20
21 Pursuant to the Joint Stipulation submitted by Plaintiff Seaton Insurance Company and
22 Defendant Yosemite Company, the Defendant is granted an extension of time to file its Reply to
23 May 5, 2011.

24 **IT IS SO ORDERED.**

25 Dated: April 27, 2011

26 THE HON
27 UNITED S



ATTESTATION PURSUANT TO GENERAL ORDER 45

Concurrence in the filing of this document has been obtained from Mark D. Hoerner.

Dated: April 27, 2011

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, P.C.

/s/ Robert Sturtevant Eaton

By: ROBERT STURTEVANT EATON

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CERTIFICATE OF SERVICE

I, ROBERT STURTEVANT EATON, Esq. hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on the date of filing.

/s/ Robert Sturtevant Eaton
Robert S. Eaton

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